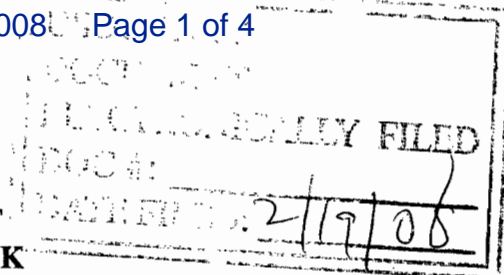


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



M.D. JEAN P. SIMON,

Plaintiff,

v.

UNUM, UNUM PROVIDENT,  
PROVIDENT LIFE AND CASUALTY  
INSURANCE COMPANY, THE PAUL  
REVERE LIFE INSURANCE  
COMPANY, FIRST UNUM LIFE  
INSURANCE COMPANY,  
PROVIDENT LIFE AND ACCIDENT  
INSURANCE COMPANY AND  
UNUMPROVIDENT CORPORATION,  
Defendants.

Civil Action No.: 07-cv-11426 (SAS)

**SCHEDULING ORDER**

Conference Date: 2/19/08 at 4:00 p.m.

**WHEREAS**, the Court issued an Order for a Conference in accordance with Fed R. Civ.

P. 16(b) on **January 8, 2008** (the "Court Order"); and

**WHEREAS**, the Order requires that the parties jointly prepare and sign a proposed scheduling order containing certain information;

**NOW THEREFORE**, the parties hereby submit the following information as required by the Order:

- (1) The Fed R. Civ. P. 16 conference is to take place on **February 19, 2008**;

For the Plaintiff:

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Eric R. Stern  
Sack & Sack  
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(212) 702-9000

For the Defendant:

Andrew I. Hamelsky  
White and Williams LLP  
One Penn Plaza  
18<sup>th</sup> Floor, Suite 1801  
New York, New York 10119  
(212) 244-9500

(2) the issues are as follows:

Plaintiff alleges that he is totally disabled in that he is not able to perform the substantial and material duties of your occupation and therefore entitled to benefits under disability policy numbers 36-3376084608, effective January 1, 1993; and 36-1737-6122493, issued by Provident Life and Casualty Insurance Company.

Defendant contends that Dr. Simon is not totally disabled in that he continues to perform many of the substantial and material duties of his occupation. Rather, Dr. Simon is residually disabled. At this time, Dr. Simon does not financially qualify for residual benefits.

(3) a schedule including:

(a) Depositions:

Jean P. Simon, M.D. : on or before **May 2, 2008;**

Representative of Defendant: on or before **May 19, 2008**

Doctors/Health care Providers: on or before **June 16, 2008**

(all depositions to be completed by **June 16, 2008**)

(b) The parties will exchange documents pursuant to Request for Production of Documents no later than **March 28, 2008**;

(c) Plaintiff will provide expert reports by **July 21, 2008**;

Defendant will provide expert reports by **August 21, 2008**;

(d) All discovery to be completed by **October 6, 2008**;

~~(e) Plaintiff will provide pretrial order to defendant by **November 3, 2008**;~~

(f) The date by which the parties will submit a pretrial order in a form conforming with the Court's instructions, together with trial briefs, for (1) proposed finding of fact and conclusion of law for non-jury trial or (2) proposed voir dire questions and proposed jury instructions, for a jury trial ; and

(g) A space for the date for a final pre-trial conference pursuant to Fed. R. Civ. P. 16(d), Sept 2 at 4<sup>30</sup>.

(4) The parties do not see any limitations to be placed on discovery nor do they believe a Protective Order at this time would be necessary;

(5) There are no discovery issues to be brought to the Court's attention at this time;

(6) Anticipated fields of expert testimony: disability insurance underwriting;

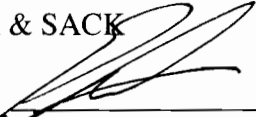
(7) Anticipated length of trial is one week;



(8) This Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference or when justice so requires;

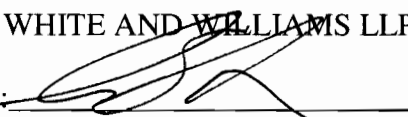
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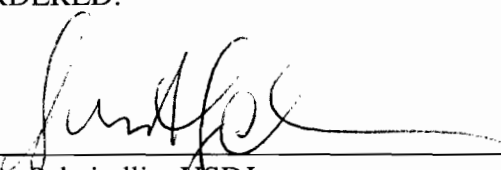
  
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WHITE AND WILLIAMS LLP

By:

  
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New York, New York 10119  
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SO ORDERED:

  
Shira A. Scheindlin, USDJ

2/19/08